IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02/12/2004

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The Honourable Mr.Justice V.KANAGARAJ

Crl.R.C.No. 1935 of 2004
and
Crl.R.C.1937 of 2004

Anbalagan ... Petitioner in both the Crl.R.Cs.

-vs-

Jeganathan ... Respondent in both the Crl.R.Cs.
Revisions filed under Sections 397
and 401 Cr.P.C. praying for as stated below.

!For Petitioner : Mr.K.Kalyanasundaram

^For Respondent : Nil

:O R D E R
The above criminal revision cases have been filed praying to set aside the orders passed by the Additional Sessions Judge, Fast Track Court V, Coimbatore, at Tirupur, in Crl.M.P.Nos. 82 and 83 of 2004 in C.A.No. 249 of 2004 dated 11-10-2004.
2. Today, when the above matters were taken up for consideration, on a perusal of the materials placed on record and upon hearing the learned counsel for the petitioner, it comes to be seen that the petitioner has filed a petition under Section 391 Cr.P.C. in Crl.M.P.No. 83 of 2004 seeking to file additional documents at the appellate stage and the Appellate Court having refused to entertain such a petition on reasons assigned, the petitioner has come forward to file the above Criminal Revision Cases on certain grounds as brought forth in the grounds of revision cases.
3. In consideration of the facts pleaded and having regard to the materials placed on record, this Court is able to find that the dismissal of the petition filed under Section 391 Cr.P.C. is the main application filed on the part of the petitioner and the other petition is only seeking permission to permit him to mark the additional documents as exhibits. Since a rejection order has been passed in the main petition filed under Section 391 Cr.P.C., consequently, the other petition seeking permission for marking the same as exhibits has also been dismissed by the Appellate Court.
4. So far as the main prayer for marking additional documents before the Appellate Court is concerned, the Appellate Court would find that not even a least attempt has been made to file those documents before the trial Court nor any valid reason assigned for having not done so

before the trial Court. The Appellate Court would further find that it is also not the case of the petitioner that those documents came into existence only after the trial was over and therefore, marking of those documents before the Appellate Court without such opportunities for the otherside and for the trial Court to consider and pass its own order prior to passing its decision in the main case is not necessary and therefore, on such strong grounds the Appellate Court has dismissed the said petition and therefore, this Court is in full agreement with not only the conclusions arrived at by the Appellate Court but also the manner in which the said conclusion has been arrived at to dismiss the petitions filed by the petitioner and hence, the interference sought for to be made by this Court in the above Criminal Revision Cases is not at all available for the petitioner since there is no necessity for such an interference to be made into the well considered and merited orders passed by the Appellate Court and hence, the following order.

In result,

(i) the above Criminal Revision Cases do not merit acceptance for admission and they become liable to be dismissed at the admission stage itself and they are dismissed accordingly;

(ii) the orders passed by the Additional Sessions Judge, Fast Track Court V, Coimbatore, at Tirupur, in Crl.M.P.Nos. 82 and 83 of 2004 in C.A.No. 249 of 2004 dated 11-10-2004, are confirmed;

(iii) the Appellate Court is directed to have an early hearing of the Appeal and pass the judgment as expeditiously as possible, in which any remarks made in this order will not stand in the way of the Appellate Court in arriving at its own conclusion;

(ii) consequently, the connected Crl.M.P.Nos. 11662 and 11669 of 2004 are also dismissed.

Index: Yes

Internet: Yes

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To
The Additional Sessions Judge,
Fast Track Court V, Coimbatore, at Tirupur

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